REMARKS

Claims 1-9 are pending in the present application. Claims 1-3 and 5-9 have been amended. Claim 4 has been cancelled, making all objections and rejections to Claim 4 moot.

Information Disclosure Statement

The Examiner has indicated that the information disclosure statement file October 31, 2005 fails to comply with 37 CFR 1.98(a)(3) because Korean patent application KR20-301693Y, is not in the English language and a concise explanation of the relevance of the patent was not provided. Attached herewith is a concise explanation of the invention disclosed in Korean patent application KR20-301693Y.

Claim Objections

Claims 1-9 are being objected to as referring to "first level, second level, third level and fourth level" with the figures referring to "level 0, level 1, level 2 and level 3." (p. 2, Office Action dated December 24, 2009). The specification at page 5, lines 18-22, clearly states "The provider systems 100 are leveled according to service levels requested from the providers. In FIG. 1, the provider system 100a is supposed to belong to a first level ("LEVEL 0"), the provider system 100b to a second level ("LEVEL 1"), the provider system 100c to a third level ("LEVEL 2") and the provider system 100n to a fourth level ("LEVEL 3"), respectively." Thus, Applicant asserts that the claim references to first level, second level, third level and fourth level are clearly stated and supported by the specification.

Claim 6 is also being objected to for not clearly indicating which system is being referred to. (p. 3, Office Action dated December 24, 2009). Claim 6 has been amended to overcome this objection.

Claim Rejections under 35 U.S.C. § 112

Claims 1-9 are being rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Below are the rejections.

In particular, the Claims 1-4, 6, and 7 are being rejected for containing the term "or" in "if statements" and using the phrase "depending on." (p. 3, Office Action dated December 24, 2009). Claims 1-4, 6, and 7, as amended, overcome this rejection.

With regards to Claims 1-9, the Examiner states that, "Claims 1-9 refer to user authentication. The disclosures also refer to user authentication but do not elaborate as to what constitutes user authentication." (p. 3, Office Action dated December 24, 2009). The specification at page 7, lines 4-14 describe user authentication as identification of the user and authorization of the user. Therefore, one skilled in the art would understand the meaning of user authentication in the context of Applicant's invention and Claims 1-9.

The Examiner further asserted that "Claims 1-9 are generally narrative and indefinite, failing to conform with current U.S. practice." (p. 3, Office Action dated December 24, 2009). Claims 1-9 have been amended to overcome this rejection.

With reference to Claims 2, 5, 7, and 9, the Examiner asserts that the claims refer to "update[...] content database, and it is not clear what is being updated and when the updating takes place." (p. 4, Office Action dated December 24, 2009). Claims 2, 5, 7, and 9, as amended, clarify this language and overcome the rejection.

Claims 1-4 and 6-8 are being rejected as referring to "delivering/communicating order information in packet [...], encapsulated packet and packetized form to provider. Fig. shows that service level, destination URL, user authentication information, billing processing information, other order information and application-related information are not part of the encapsulated packet." (p. 4, Office Action dated December 24, 2009). Claims 1-4 and 6-8, as amended, overcome this rejection.

Claims 1-9 are being rejected as referring to "ordering, order information. The disclosures refer to delivery of goods and services, and show that order acknowledgement information is sent from reference 600 to a user. Thus, there is no delivery shown for any goods ordered. The disclosures support delivery of digital goods, not physical goods." (p. 4, Office Action dated December 24, 2009). The current invention is related to television commerce, which enables users to purchase goods and service using a television, similar to purchasing goods over the internet. Specifically, Claims 1-9 and the drawings are directed to the handling of the order information, such as order information, authentication of the user, billing information, and maintaining a database of listing goods and/or services available for purchase. The references to delivery refer to delivery of the data necessary to complete the transaction between the user and the provider of the goods and/or services. Claims 1-9 have

been amended to further clarify the usage of the words "ordering," "order information," and "delivery." Such amendments overcome this rejection of Claims 1-9.

Claims 1-9 are further being rejected for the references to packet, packetization, communication packet, encapsulated packet and packetized form. The Examiner stated "it is not clear what is contained in a packet, and what Applicant considers an encapsulated packet. Thus, it is not possible to determine the metes and bounds of the claims. Further the Examiner notes that the communications over the internet inherently involve packets, as in TCP/IP. The Specification at page 15, line 11 through page 16, line 13 and Figure 8 show an example of the communication packet. The Specification and Figure 8 refer to the order information being transmitted between the return path management system and the provider system in communication packets with portions of the order information being encapsulated. Applicant has also amended Claims 1-9 to clarify the invention. Therefore, use of the term "communication packet" in amended Claims 1-9 is clarified to overcome this rejection.

Claim Rejections under 35. U.S.C. § 103(a)

Claims 1-9 are being rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,452,923 to Gerzberg et al. (Gerzberg) in view of Official Notice.

Applicant's invention, based on amended Claims 1 and 6, is directed to a return path management system that manages a service level of each of the provider systems and processes order information received from a user television depending on the service level of a first provider system. The first provider system is a provider system receiving the order

information from the return path management system. In addition, the return path management system according to Applicant's invention performs selectively at least one of delivery of the order information, user authentication, billing processing and updating of the content database depending on the determined service level of the first provider system.

For example, in the case that a provider system has elements for the user authentication, the billing processing and a content database, a specific service level is assigned for the first provider system for the purpose of delivering only the order information. In such case, the return path management system delivers only the order information to the first provider system without performing the user authentication, the billing processing or updating of the content database when the order information received from the user television. Furthermore, in the case that a provider system has an element for the billing processing and the content database without an element for user authentication, a specific service level is assigned for the first provider system for the purpose of delivering the order information and processing the user authentication. In such case, the return path management system delivers the order information to the first provider system and performs user authentication without performing the billing processing or updating of the content database when the order information is received from the user television.

Gerzberg discloses a method for allowing an employee to access an employer's office network to work at home. In the Gerzberg, IRG (Integrated Residence Gateway) transmits outgoing packets received from equipment associated with the employee's home to a head end. The head end transmits incoming packets received from the office network to the IRG.

The transmission of the incoming packets and outgoing packets form a data connection between the employee's IRG and the office network. The head end consults a database to determine whether the employer has agreed to payment for the data connection in case that a request for reversing the charges for the data connection it receives.

The Examiner admits that Gerzberg fails to "specifically disclose the number of servers and databases claimed." (p. 6, Office Action dated December 24, 2009). The Examiner relies on an Official Notice to overcome the deficiencies of Gerzberg. Specifically, the Official Notice states:

> the Internet is a network of multiple physical and logical servers. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Gerzberg and knowledge common to those of ordinary skill in the art to disclose, as per claim 1, a return path server, a providers database, a user database and a content database because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

(p. 6, Office Action dated December 24, 2009). However, the combination of Gerzberg and Official Notice fails disclose the provider systems having multiple service levels, as provided in Claims 1 and 6 of Applicant's invention.

The return path management system of Applicant's invention processes the order information differently depending on a service level of the first provider system, the return path management system may reduce excessive load of a server (for example, a return path server) and reflect actively various demands of providers. As described above, Gerzberg discloses constitutions for the data connection between the employee's home and the office

network and reversing the charges for the data connection. However, Gerzberg does not discloses in that the service levels of the provider systems are categories into different service levels and the order information of an user is processed differently depending on the service levels of the provider systems on a return path.

Although, the term "different level" is mentioned in Gerzberg [col. 33, line 49 through col.34, line 1], the use of the term level in Gerzberg is different from the service level in Applicant's invention. The different levels in the Gerzberg relate to signals due to a number of factors, and the levels of Gerzberg are not being used for treating user's order information as claimed in Applicant's invention. Accordingly, Applicant's invention, as described in amended Claims 1 and 6, is not obvious in view of Gerzberg.

Furthermore, in amended Claims 2 and 7 of Applicant's invention, the provider systems are categorized into a first service level through a fourth service level, the return path management system processes the order information differently depending on a service level of the provider system determined though the order information. However, Gerzberg does not disclose a service level used for processing order information of users differently. Accordingly, Applicant's invention, as described in amended Claims 2 and 7, is not obvious in view of Gerzberg.

Additionally, Applicant's invention processes the order information differently than the data is processed in Gerzberg. Applicant's invention as described in Claim 3 is directed to a communication packet delivered from the return path management system to the first

provider system includes different information depending on the service level of the first provider system as described in amended Claim 3. In other words, a communication packet according to the first service level includes the order information; a communication packet according to the second service level includes the order information and user authentication information; a communication packet according to the third service level includes the order information, user authentication information and billing information; and a communication packet according to the fourth service level includes the order information, user authentication information, billing information and application-related information. However, Gerzberg does not disclose a communication packet including different information according to a service level of a provider system. Accordingly, Applicant's invention, as described in amended Claim 3, is not obvious in view of Gerzberg.

Moreover, Applicant's invention, based on amended Claims 5 and 8, provide a plurality of transaction servers for processing efficiently the order information. Each of the transaction servers process the order information for a provider system having a different service level. However, Gerzberg does not disclose a plurality of transaction servers. Accordingly, Applicant's invention, as described in amended Claims 5 and 8, is not obvious in view of Gerzberg.

In addition, Claim 9, as depending from Claim 6, is patentable over Gerzberg and Official Notice. Applicant submits that Claim 9 defines additional patentable subject matter in its own right.

Therefore, it is respectfully requested that the rejection of Claims 1-3 and 5-9 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

CONCLUSION

In conclusion, Claims 1 and 6, along with dependent Claims 2-3, 5, and 7-9, are patentable over the cited references. Therefore, withdrawal of this rejection is respectfully requested.

The Applicant has now responded in full to the pending Office Action. Favorable action thereon is respectfully requested. Should the Examiner have any questions or require further information, the Examiner is welcome to contact the Applicant's representative at the below number.

Respectfully submitted,

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